IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

KIRBY GARDNER, #1003719

VS.

CIVIL ACTION NO. 6:11cv145

MANAGEMENT & TRAINING CORP.,

ET AL.

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Defendants' motion for summary judgment (docket entry #8) is **GRANTED**. It is further

ORDERED that the Plaintiff's motion for summary judgment (docket entry #9) is **DENIED**. It is further

ORDERED that the complaint is DISMISSED with prejudice pursuant to Fed. R. Civ.P. 56. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 5th day of August, 2011.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE